



## **CITY OF HAYWARD AGENDA REPORT**

AGENDA DATE 09/30/04

AGENDA ITEM 1

WORK SESSION ITEM \_\_\_\_\_

**TO:** Planning Commission

**FROM:** David Rizk, Associate Planner

**SUBJECT:** I. Prezone (PL-2004-0313) - Consideration of Prezoning and Related Final Environmental Impact Report Associated with the Proposed Mt. Eden Annexation  
II. Text Amendment (PL-2004-0338) - Consideration of Amendments to the Light Manufacturing, Planning/Research and Development District (LM) Provisions and a Related Negative Declaration Associated with the Mt. Eden Annexation Study

### **RECOMMENDATION:**

That the Planning Commission recommend to the City Council:

1. Certification of the Environmental Impact Report associated with the proposed Mt. Eden annexation and prezoning as being prepared in accordance with the California Environmental Quality Act and City implementing guidelines; adoption of the Statement of Overriding Considerations; and approval of the Mitigation Monitoring and Reporting Program.
2. Approval of amendments to the Zoning Ordinance (PL-2004-0313) that would change/establish prezoning designations for certain properties within unincorporated areas that are proposed for annexation, based on the findings attached hereto.
3. Adoption of the Negative Declaration associated with changes to the "LM" District provisions (PL-2004-0338) and approval of a text amendment (PL-2004-0338) that would allow storage-related facilities as conditional uses, modify development standards and establish design and performance standards for uses in the Light Manufacturing, Planning/Research and Development (LM) District, based on findings attached hereto.

### **DISCUSSION:**

#### **Background**

The Mt. Eden area includes five unincorporated "islands" that are within the jurisdiction of Alameda County, which are completely surrounded by the City of Hayward (see Attachment A). Approximately twelve years ago, Alameda County spearheaded efforts to have these unincorporated islands in the Mt. Eden area annexed into the City of Hayward. Such efforts ultimately failed, however, and the County eventually withdrew its application. Pursuit of annexation is again being considered because State law encourages the logical formation and determination of local agency boundaries and because there are a number of properties in the

area, particularly in the north, that have been purchased by owners who have expressed an interest in having their properties annexed into the City of Hayward and developed.

To determine the desirability and feasibility of annexing unincorporated lands in the Mt. Eden area into the City of Hayward, the City initiated the Mt. Eden Annexation Study in the summer of 2003. That study has included various focused analyses and entailed four community meetings held in the Mt. Eden area, beginning in October of last year. The most recent community meeting was held on September 15, during which staff summarized the results of the study and information associated with the proposed annexation.

### **Project Description**

The project includes annexation of the study area into Hayward, associated street and utility system improvements and related potential future residential and non-residential development.

#### Study area

The project/study area involves three unincorporated "islands" that are completely surrounded by the City located in the westerly portion of Hayward, generally west of Hesperian Boulevard between West Winton Avenue and State Highway 92. The three islands include:

- **Saklan Road Island**, the largest of the three islands with 62 acres of land and 110 parcels of record, containing a mix of detached single-family residences, undeveloped residential lots, warehouses and industrial operations,
- **Depot Road Island**, consisting of 41 acres of land with 13 parcels, containing several automobile wrecking/dismantling yards and
- **Dunn Road Island**, comprised of 15 acres and 29 parcels that have been developed with a mix of industrial and storage uses, along with a few detached single-family residences.

The two other unincorporated islands in the Mt. Eden area were initially considered for inclusion in the study area. However, as summarized for the City Council during a November 2003 work session, those two islands were dropped from the study area, due mainly to opposition to annexation expressed by residents in those areas at the earlier community meetings.

Recent discussions with Supervisor Gail Steele, County staff and some residents in those islands who have now indicated support for annexation have resulted in the County and City working together to pursue annexation of those islands in a subsequent phase, after adequate study and analysis is completed. All five islands are within Hayward's Sphere of Influence and Alameda County's Eden Area Redevelopment Project area. There are no plans to deannex the lands from the County Redevelopment Project Area, even if annexation of the land into the City is approved. Attachment A shows the three islands that are currently proposed for annexation in Phase I (Study Area) and the two other islands proposed for a Phase II annexation. The subsequent discussion and recommendations in this staff report and the related final Environmental Impact Report pertain to the three islands in the current project/study area (Phase I).

#### Street and Utility Services

No new public roads are proposed as part of the project, although certain public roadways would be required to be widened and improved to meet City standards. Also, public utility systems would be required to be upgraded to serve any new development within the project area.

Funding mechanisms that have been analyzed as part of the study include tax increment financing, which could be used to help pay for improvements and/or to reimburse developers that fund improvements outside their development tracts. Tax increment financing is a funding source that was not available twelve years ago when the City and County tried to annex the lands, since the County Redevelopment Project Area had not been formed at that time. Utilizing such revenues to help fund public infrastructure improvements has persuaded some residents to consider supporting annexation.

### Prezoning

Lands that are proposed for annexation are required by State law to be prezoned. The Saklan Road island was prezoned by the City of Hayward in 1990 as part of the Mt. Eden Neighborhood Plan. The Dunn Road and Depot Road islands were not part of the Mt. Eden Neighborhood Plan Area and were not prezoned at that time. The following prezoning actions are recommended:

- Prezone the Depot Road and Dunn Road islands to the Industrial (I) zoning district.
- Change the prezoning designation for parcels generally located west of Saklan Road, east of Clawiter Road and north of West Lane from Limited Industrial (LI), which was a recommended designation in the Neighborhood Plan for a district that was never created, to the Light Manufacturing, Planning/Research and Development (LM) Zoning District. (See later discussion regarding proposed changes to the LM District provisions.)

Remaining prezoning designations established as part of the Mt. Eden Neighborhood Plan are not recommended to change, which include Medium Density Residential (RM, with a minimum lot area of 2,500 square feet per dwelling unit) for properties located east of Saklan Road and Neighborhood Commercial (CN) for five parcels located between Clawiter Road and Saklan Road just north of West Street. All proposed prezoning designations are consistent with existing General Plan land use designations, which are not proposed to be changed. Attachment B includes a map showing the proposed prezoning designations. Attachment C is a list of each property in the study area, with associated prezoning designations identified.

The proposed annexation and associated public infrastructure improvements and future development would result in improved fire suppression capabilities, police protection, storm drain capacity and roadways in the area. As noted in the associated environmental impact report, proposed infrastructure improvements, including roadway improvements and widening, extension of public water and sewer lines and upgrades to the existing storm drainage network, would be compliant with City standards and sufficient to serve potential future development.

Also, the Mt. Eden Neighborhood Plan contains policies that encourage light industrial zoning in the western portion of the Saklan Road island and industrial zoning to the west of the Neighborhood Plan area (west of Clawiter Road). Additionally, the purpose of the Industrial zoning district is consistent with the intended uses for the Dunn Road and Depot Road islands, and with surrounding uses. The purpose of the LM zoning district is consistent with the intended uses for the western portion of the Saklan Road island and with the policies of the Mt. Eden Neighborhood Plan.

The Depot Road and Dunn Road islands are completely surrounded by properties in the City that are within the Industrial zoning district. The uses permitted in the proposed LM zoning district would help provide a buffer between the more impacting industrial uses and associated traffic

along Clawiter Road and the residential areas along the western side of Saklan Road. An Industrial zoning district designation for such area would allow more impacting uses to develop, which would negatively affect the residential neighborhood to the east.

If annexation is approved, staff anticipates that zoning for the entire area between Saklan Road and Clawiter Road, including those properties currently in the City, will be assessed in the future in order to achieve a consistent designation throughout. Parcels in the City in this area are currently in the Industrial Zoning District (I).

#### Future development potential

Should annexation be approved and infrastructure improvements completed, it is anticipated that new development would occur. Based on achieving approximately a mid-range density of the existing Medium Density General Plan land use designation, it is estimated that 475 new dwellings could be constructed within the Saklan Road area. This would be in addition to the approximate 100 dwellings now in place.

Based upon existing General Plan land use designations and floor area ratios reflective of existing development throughout the City, the annexation area is also anticipated to ultimately accommodate nearly 536,000 square feet of research and development and/or business park use in the Depot Road island, nearly 229,000 square feet of light industrial floor space in the Dunn Road island, over 160,000 square feet of light industrial space in the western portion of the Saklan Road island and over 28,000 square feet of neighborhood commercial uses in the southwest corner of the Saklan Road island.

Using those assumptions for a future development scenario, a fiscal impact analysis was conducted as part of the study that indicated that impacts to the City's General Fund would be slightly positive, and annual net tax increment funds from such development could be sufficient to fund public infrastructure improvements in the study area. A preliminary analysis also shows that tax increment funds could be sufficient to fund public infrastructure improvements in the two islands not included in the study area.

#### Proposed Text Amendment

The Light Manufacturing, Planning/Research and Development (LM) District was formed in 1998 as part of the South of Route 92 Specific Plan process. The only areas in the City where this designation exists is the Webber and Oliver East properties, which are located south of Industrial Boulevard and west of Hesperian Boulevard, within the South of Route 92 Specific Plan project area. An application is currently being processed by City staff for a proposed residential development project for the Oliver East property, which involves a General Plan Amendment (from Industrial Corridor to Medium Density Residential) and a Zoning Change (from LM to Planned Development (PD)).

The listed uses and development standards contained in the LM District provisions reflect the City's desire "to provide for limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas." Specifically, only light manufacturing or similar uses are allowed in the LM District. Also, the development standards, which require a minimum 50-foot front yard setback and 25-foot side and rear yard setbacks, reflect a business park or light industrial park setting that was envisioned in the South of Route 92 Plan area.

To help with transitional impacts to certain business owners and operators as a result of annexation, staff is recommending amendments to the "LM" District provisions (see Attachment H). The most substantial changes would allow certain uses as conditional uses in the "LM" District. Specifically, since most of parcels in the Saklan Road island that are proposed to be rezoned to "LM" contain storage-related facilities, staff is recommending that open storage, recreational vehicle storage yards and public storage facilities be allowed as conditional uses in the "LM" district. The Industrial District, which is the zoning designation for properties in the City in the immediate area, allows such uses as conditional uses. The recommended amendments would also entail changes to the development standards, to be more reflective of the Mt. Eden area, and creation of design and performance standards for areas outside the South of Route 92 Specific Plan area, which currently do not exist. Those standards utilize design and performance criteria found in the Industrial (I) District.

The proposed text amendment would help implement the annexation by minimizing fiscal impacts on certain businesses currently operating legally with County conditional use permits located immediately west of the residential neighborhoods in Mt. Eden area, allowing them as conditional uses. The proposed text amendment would be in conformance with the Mt. Eden Neighborhood Plan policies that encourage low-impacting light industrial uses in the western portion of the Saklan Road island and with the purpose of the LM zoning district, in that storage-related uses, with implementation of the required design guidelines, are typically low-impacting in that they typically generate low traffic and do not typically have odors or noise associated with them.

Also, the uses are served by existing roads. Proposed infrastructure improvements, including roadway improvements and widening, extension of public water and sewer lines and upgrades to the existing storm drainage network, would improve infrastructure in the area to better serve future uses.

Attachment J lists the ten uses that are operating under County conditional use permits, nine of which are storage-related uses and all of which have use permits that expire within the next four years. If annexation occurs, the City will recognize the uses operating legally with those use permits and allow them to continue until their use permits expire.

#### Delayed Sewer Connections

To further reduce financial impacts to owners in the Mt. Eden annexation area, staff is recommending that a special provision be adopted regarding sewer connections that would only become effective if annexation occurs. The provision would amend the section of the Public Utilities Chapter of the City's Municipal Code that requires connection to the public sewer system within 90 days if a property is located within 200 feet of such system. Specifically, the Code amendment would allow a property that is annexed in the Mt. Eden area and served by a private septic system up to 10 years to connect to the public sewer system, provided evidence is submitted annually that verifies that the septic system functions properly and provided no intensification of use on the property occurs, including addition of facilities or other changes that increase sewer discharge. Of course, properties that connect to the public sewer system will be required to pay a sewer connection fee (\$4,400 for single-family residences, as of

October, 2004) and to pay for the costs to install a sewage pipe (lateral) from a building to the public sewer main in the street, which can cost several thousand dollars.

Such ordinance is not subject to Planning Commission review and will be presented to the City Council during the public hearing associated with the Mt. Eden Annexation, scheduled for October 12.

## **Environmental Review**

### Environmental Impact Report

The public comment period for the Mt. Eden Annexation Project Draft Environmental Impact Report (DEIR), during which any interested party could submit comments, ran from May 5 to June 21, 2004. The DEIR was reviewed with the City Council during a work session on May 18, 2004 and with the Planning Commission during a public hearing on June 10, 2004. The Final Environmental Impact Report (FEIR), which contains written responses to comments on the DEIR and revisions where appropriate, was previously distributed to the Planning Commissioners. Notice of the availability of the FEIR has been provided to all property owners and residents in and within 300 feet of the study area, individuals on the mailing list of interested parties and public agencies that commented on the DEIR. As required by law, copies of the FEIR were distributed to public agencies that commented on the DEIR.

The FEIR includes the revised Summary Table of Environmental Impacts and Mitigations. The FEIR and the DEIR indicate that all but one of the significant impacts can be mitigated to a less-than-significant level. The one exception is cumulative traffic impacts associated with regional traffic and roadway congestion, which is a significant and unavoidable impact that requires a statement of overriding considerations to be adopted (see Attachment E), as was the case for the General Plan Update EIR adopted in 2002. One change to the DEIR relates to potential traffic impacts to the Hesperian Boulevard/West Winton Avenue intersection. The DEIR indicates implementation of the planned Industrial Assessment District (IAD) improvements would ensure impacts to that intersection would be less than significant. Based on concerns expressed about the timing and feasibility of those improvements, the FEIR identifies a new interim measure that would entail improvements to that intersection, to ensure levels of service are acceptable until the IAD improvements are completed. Also, the FEIR indicates that after further review, noise impacts associated with touch-and-go aircraft flights from the Hayward Executive Airport would not be significant, since the proposed annexation area lies outside the 65 dBA (Ldn) noise contour line. The FEIR has deleted that potential impact, along with the associated mitigation measure requiring aviation easements to be recorded. The FEIR indicates the City would require such easements in the future, at the time of specific development proposals.

The proposed Mitigation Monitoring and Reporting Program is included as Attachment F, which identifies when mitigation measures should be implemented, the parties responsible for ensuring implementation occurs and who is responsible for monitoring such implementation.


### Negative Declaration

A Negative Declaration has been prepared for the proposed text amendment to the LM District provisions, and is included as Attachment G. The Negative Declaration concludes that no significant impacts would occur as a result of the proposed text amendment.


## PUBLIC NOTICES

Notice of this public hearing was published in *The Daily Review* on September 10, 2004, mailed to all property owners within the study area, all property owners and residents within 300 feet of the study area and various public agencies, and posted at the City Clerk bulletin board, the City lobby book and the two Hayward libraries on September 8, 2004. No responses to those notices had been received at the time this report was finalized.

Prepared by:

  
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David Rizk, AICP  
Associate Planner

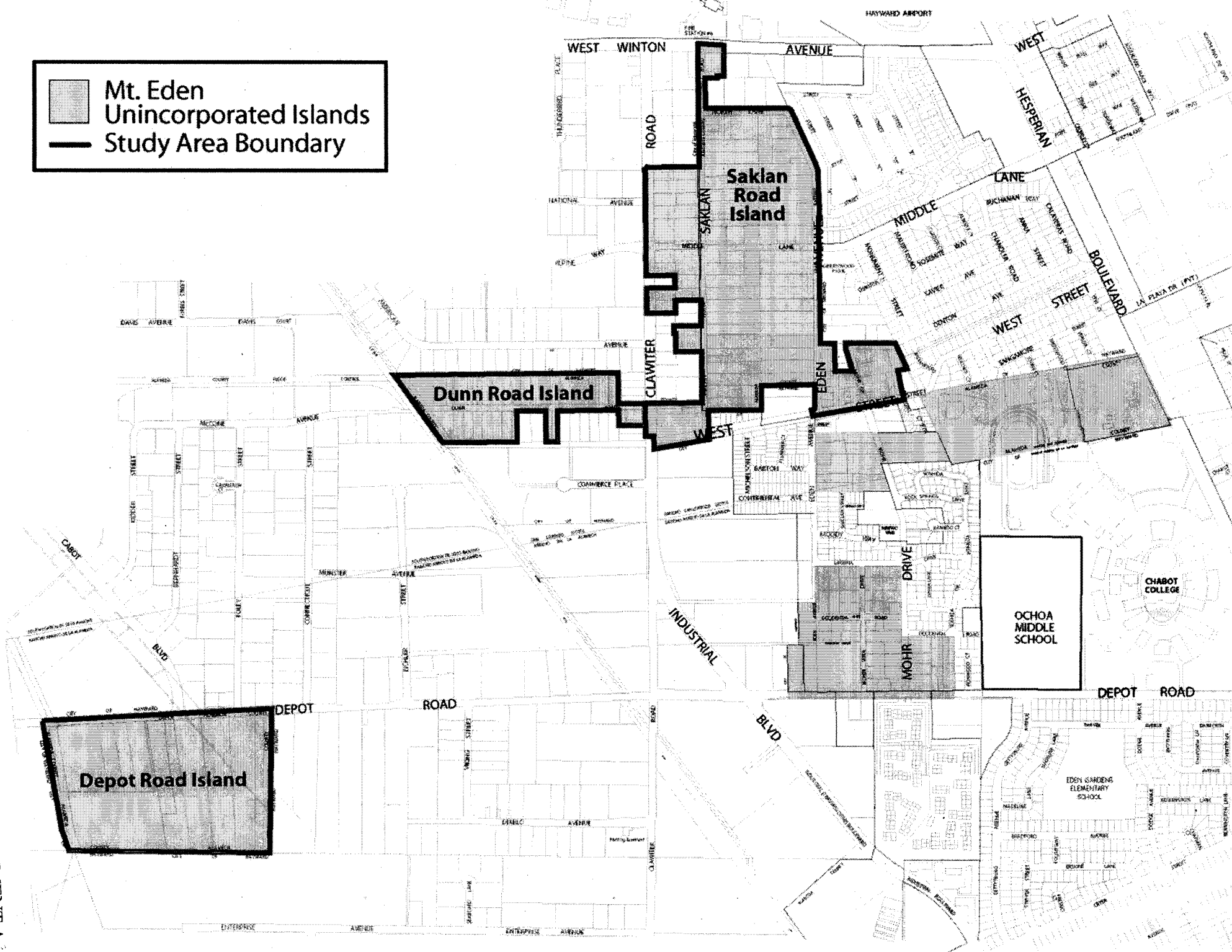
Approved by:

  
\_\_\_\_\_  
Dyana Anderly, AICP  
Planning Manager

### Attachments:

- Attachment A. Map of Mt. Eden Annexation/Study Area
- Attachment B. Map of Proposed Prezonings
- Attachment C. List of Parcels by Assessor's Parcel Number and Street Address with Proposed Prezoning Designations Identified
- Attachment D. Findings in Support of Proposed Prezonings
- Attachment E. Statement of Overriding Considerations
- Attachment F. Mitigation Monitoring and Reporting Program
- Attachment G. Negative Declaration and Environmental Checklist related to Proposed Text Amendment for the "LM" District Provisions
- Attachment H. Proposed Text Changes regarding the "LM" District Provisions
- Attachment I. Findings in Support of Proposed Text Changes regarding the "LM" District Provisions
- Attachment J. List of Parcels Operating with County Conditional Use Permits that are proposed to be Prezoned to "LM."

Note: Copies of the Draft EIR and Final EIR were previously distributed to the Planning Commissioners. Please bring your copies to the meeting.





This is a detailed street map of the Hayward area, showing various streets, landmarks, and school districts. The map includes labels for 'WEST WINTON AVENUE', 'MIDDLE LANE', 'CLAWTER ROAD', 'INDUSTRIAL BLVD', 'DEPOT ROAD', 'OCHOA MIDDLE SCHOOL', 'CHABOT COLLEGE', 'EDEN GARDENS ELEMENTARY SCHOOL', and 'HAYWARD AIRPORT'. A large area is shaded and labeled 'RM', and another area is labeled 'CN'. The map also shows 'SOUTHLAND MALL' and 'CLAYTON BL'.

**I** I - Industrial  
**LM** LM - Light Manufacturing/  
Research and Development

**Prezoning established by the Mt. Eden  
Neighborhood Plan, adopted in 1990**

**RM** RM - Medium Density Residential  
(Minimum Lot Area: 2,500 sq. ft.  
per Dwelling Unit)

**CN** CN - Neighborhood Commercial



ATTACHMENT B

# Mt. Eden Annexation Study Area

Information current as of June, 2004

Unincorporated Island	Assessors Parcel Number	Street Number	Street Name	Owner Name	Parcel Acreage	Existing Prezoning (per 1990 Mt. Eden Neighborhood Plan)	Proposed Prezoning Changes
DUNN ROAD	439-0013-011-02	2347	DUNN RD	MANUEL M & JOHN DEFREITAS	0.89	---	I
DUNN ROAD	439-0013-012	2377	DUNN RD	MANUEL M & MICHELINE DEFREITAS	0.45	---	I
DUNN ROAD	439-0013-013	2393	DUNN RD	MANUEL M & JOHN DEFREITAS	0.23	---	I
DUNN ROAD	439-0013-014-02	2417	DUNN RD	M & MICHELINE DEFREITAS	0.45	---	I
DUNN ROAD	439-0013-015	2433	DUNN RD	SIDNEY & AMAL DAHRO	0.59	---	I
DUNN ROAD	439-0013-016-02	2461	DUNN RD	ROBERT J & SUZETTE ROBELLO	0.40	---	I
DUNN ROAD	439-0013-017-02	2493	DUNN RD	ALICE SILVA	0.59	---	I
DUNN ROAD	439-0013-018-02	2515	DUNN RD	ALICE SILVA	0.83	---	I
DUNN ROAD	439-0013-019	2474	DUNN RD	SIDNEY & AMAL DAHRO	0.56	---	I
DUNN ROAD	439-0013-020-02	2460	DUNN RD	KENNETH M & JOAN Y MCRAE	0.46	---	I
DUNN ROAD	439-0013-021-02	2432	DUNN RD	DAVID A JUSTICE	0.46	---	I
DUNN ROAD	439-0013-022	2416	DUNN RD	ANTHONY & MARTINA JAUREGUI	0.45	---	I
DUNN ROAD	439-0013-023	2392	DUNN RD	STEVEN & FRANCES R GUSMAN	0.46	---	I
DUNN ROAD	439-0013-025-01	2330	DUNN RD	JAMES E & DARLA R COLEMAN	0.91	---	I
DUNN ROAD	439-0013-026		DUNN RD	ALAMEDA COUNTY FLOOD CONTROL	0.51	---	I
DUNN ROAD	439-0013-027		DUNN RD	ALAMEDA COUNTY FLOOD CONTROL	0.49	---	I
DUNN ROAD	439-0016-015	2139	DUNN RD	DAVID D PEDROSA	0.46	---	I
DUNN ROAD	439-0016-016-02	2181	DUNN RD	VINCENT ROOFING CO INC	0.46	---	I
DUNN ROAD	439-0016-017-02	2155	DUNN RD	VINCENT ROOFING CO INC	0.45	---	I
DUNN ROAD	439-0016-018-02	2215	DUNN RD	RJ & LLC	1.35	---	I
DUNN ROAD	439-0016-019-02	2227	DUNN RD	SHERMAN TRUST	0.45	---	I
DUNN ROAD	439-0016-020	2249	DUNN RD	SHERMAN TRUST	0.90	---	I
DUNN ROAD	439-0016-021-02	2283	DUNN RD	MICHAEL JARDIN	0.45	---	I
DUNN ROAD	439-0016-022	2315	DUNN RD	MANUEL G & BEVERLY E JARDIN	0.45	---	I
DUNN ROAD	439-0016-023	2316	DUNN RD	JAMES E & DARLA R COLEMAN	0.25	---	I
DUNN ROAD	439-0016-026	2242	DUNN RD	ROSE BATCHELOR	0.29	---	I
DUNN ROAD	439-0016-027	2228	DUNN RD	ELENA & ANTONIO MACIAS	0.26	---	I
DUNN ROAD	439-0016-032-02	2130	DUNN RD	RALPH A MARINAI	0.18	---	I
DUNN ROAD	439-0016-033-04	2116	DUNN RD	RALPH A MARINAI	0.44	---	I
DEPOT ROAD	439-0070-003	3696	DEPOT RD	DORRIS RUBEN P & DORRIS AUTO W	2.91	---	I
DEPOT ROAD	439-0070-004	3720	DEPOT RD	PAUL R DORRIS	4.73	---	I
DEPOT ROAD	439-0070-005-01	3744	DEPOT RD	BARYALAI & MASOOD FERROZ	2.68	---	I
DEPOT ROAD	439-0070-005-02	3760	DEPOT RD	GHULAM & NAJEEBA N RABANI	2.35	---	I
DEPOT ROAD	439-0070-006	3792	DEPOT RD	ETHEL J LUTSCHAN	4.97	---	I

## Zoning Designations:

- I Industrial
- LM Light Mfg., Planning/Research and Development
- RM Medium Density Residential (Minimum Lot Area: 2,500 sq. ft.)
- CN Neighborhood Commercial
- LI Light Industrial

# Mt. Eden Annexation Study Area

Information current as of June, 2004

Unincorporated Island	Assessors Parcel Number	Street Number	Street Name	Owner Name	Parcel Acreage	Existing Prezoning (per 1990 Mt. Eden Neighborhood Plan)	Proposed Prezoning Changes
DEPOT ROAD	439-0070-008-04	3826	DEPOT RD	J & M INC	2.27	---	I
DEPOT ROAD	439-0070-008-05		DEPOT RD	CITY OF HAYWARD	0.03	---	I
DEPOT ROAD	439-0070-008-06	3810	DEPOT RD	ALADDIN DEPOT PARTNERSHIP	2.72	---	I
DEPOT ROAD	439-0070-009	3862	DEPOT RD	EASH JON & MARGARET A TRUST	8.23	---	I
DEPOT ROAD	439-0070-010-03		DEPOT RD	CITY OF HAYWARD	0.73	---	I
DEPOT ROAD	439-0070-012-02	3878	DEPOT RD	JON R & MARGARET A EASH	1.95	---	I
DEPOT ROAD	439-0070-013-01	3890	DEPOT RD	ANDREW & JUDITH R WEISS	2.91	---	I
DEPOT ROAD	439-0070-014	3898	DEPOT RD	LEE TOMPKINS	4.19	---	I
SAKLAN ROAD	441-0003-010-02	1376	W WINTON AVE	ELINOR R CHRISTIANSEN	0.71	LI	LM
SAKLAN ROAD	441-0065-023		WEST ST	ALAMEDA COUNTY FLOOD CONTROL	0.52	CN	
SAKLAN ROAD	441-0080-001-02	24308	EDEN AVE	GUADALUPE O YEPEZ	0.47	RM	
SAKLAN ROAD	441-0080-003	24495	MOHR DR	ROBERT B & COLLEEN R LAVASSANI	0.43	RM	
SAKLAN ROAD	441-0080-004	24519	MOHR DR	JAMES H & SANDRA L LOVELL	0.12	RM	
SAKLAN ROAD	441-0080-005-02	24525	MOHR DR	JAMES H & SANDRA L LOVELL	0.10	RM	
SAKLAN ROAD	441-0080-006-01		WEST ST	CITY OF HAYWARD	0.01	RM	
SAKLAN ROAD	441-0080-006-02	1643	WEST ST	USHMENDRA & SUNITA KUMAR	0.13	RM	
SAKLAN ROAD	441-0080-007-02	1655	WEST ST	LYN M & MARILOU J KERNS	0.15	RM	
SAKLAN ROAD	441-0080-008	1677	WEST ST	JOSE L PEREZ	0.11	RM	
SAKLAN ROAD	441-0080-010-01	24486	EDEN AVE	GUADALUPE O YEPEZ	0.18	RM	
SAKLAN ROAD	441-0080-011-02	24388	EDEN AVE	GUADALUPE O YEPEZ	0.20	RM	
SAKLAN ROAD	441-0080-012	24364	EDEN AVE	GUADALUPE O YEPEZ	0.19	RM	
SAKLAN ROAD	441-0080-013	24408	MOHR DR	JACINTO M CALING	0.25	RM	
SAKLAN ROAD	441-0080-014	1540	DENTON AVE	MOHAMMED S HUSSAIN	0.20	RM	
SAKLAN ROAD	441-0080-015	1524	DENTON AVE	RUSSELL D & ISABELL L COLLINS	0.46	RM	
SAKLAN ROAD	441-0080-016	1516	DENTON AVE	GEORGE R CUNNINGHAM	0.41	RM	
SAKLAN ROAD	441-0080-018	1573	WEST ST	GUADALUPE MARQUEZ	0.22	RM	
SAKLAN ROAD	441-0080-019	1585	WEST ST	ROBERT B & COLLEEN R LAVASSANI	0.23	RM	
SAKLAN ROAD	441-0080-020	24524	MOHR DR	PAUL & BELLA KALKA	0.84	RM	
SAKLAN ROAD	441-0080-021	24488	MOHR DR	PAUL & BELLA KALKA	0.40	RM	
SAKLAN ROAD	441-0080-022		EDEN AVE	COUNTY OF ALAMEDA		RM	
SAKLAN ROAD	441-0080-027	1689	WEST ST	GUADALUPE O YEPEZ	0.13	RM	
SAKLAN ROAD	441-0080-028	24492	EDEN AVE	GUADALUPE O YEPEZ	0.13	RM	
SAKLAN ROAD	441-0087-001	1508	MIDDLE LN	RICHARD E BRENKWITZ	0.93	RM	
SAKLAN ROAD	441-0087-002	24013	EDEN AVE	RICHARD E BRENKWITZ	0.98	RM	

## Zoning Designations:

- I Industrial
- LM Light Mfg., Planning/Research and Development
- RM Medium Density Residential (Minimum Lot Area: 2,500 sq. ft.)
- CN Neighborhood Commercial
- LI Light Industrial

# Mt. Eden Annexation Study Area

Information current as of June, 2004

Unincorporated Island	Assessors Parcel Number	Street Number	Street Name	Owner Name	Parcel Acreage	Existing Prezoning (per 1990 Mt. Eden Neighborhood Plan)	Proposed Prezoning Changes
SAKLAN ROAD	441-0087-003-01		EDEN AVE	CITY OF HAYWARD	0.02	RM	
SAKLAN ROAD	441-0087-003-02	24019	EDEN AVE	ROBERT A & ROBERTA F PRATT	0.27	RM	
SAKLAN ROAD	441-0087-004-01		EDEN AVE	CITY OF HAYWARD	0.00	RM	
SAKLAN ROAD	441-0087-004-02	24021	EDEN AVE B	ROBERT A & ROBERTA F PRATT	0.72	RM	
SAKLAN ROAD	441-0087-005-02	24131	EDEN AVE	DUTRA ENTERPRISES INC	0.99	RM	
SAKLAN ROAD	441-0087-006		EDEN AVE	DUTRA ENTERPRISES INC	1.01	RM	
SAKLAN ROAD	441-0087-007	24137	EDEN AVE	FUMI & MASUHO HIRAKAWA	0.99	RM	
SAKLAN ROAD	441-0087-008	24243	EDEN AVE	DUTRA ENTERPRISES INC	0.99	RM	
SAKLAN ROAD	441-0087-009	24249	EDEN AVE	DUTRA ENT INC	0.99	RM	
SAKLAN ROAD	441-0087-010	24255	EDEN AVE	DUTRA ENTERPRISES INCORPORATED	0.98	RM	
SAKLAN ROAD	441-0087-011-01		EDEN AVE	CITY OF HAYWARD	0.02	RM	
SAKLAN ROAD	441-0087-011-02	24361	EDEN AVE	GIOSSO 2003 TRUST	0.97	RM	
SAKLAN ROAD	441-0087-012	24367	EDEN AVE	ABRAMS TRUST	0.98	RM	
SAKLAN ROAD	441-0087-017-02	24180	SAKLAN RD	DEPINA VIVIAN HEIRS OF EST	1.01	RM	
SAKLAN ROAD	441-0087-018	24178	SAKLAN RD	DEPINA VIVIAN HEIRS OF EST	1.01	RM	
SAKLAN ROAD	441-0087-019	24072	SAKLAN RD	DUTRA ENTERPRISES INC	1.00	RM	
SAKLAN ROAD	441-0087-020	24066	SAKLAN RD	DUTRA ENTERPRISES INC	0.89	RM	
SAKLAN ROAD	441-0087-021	24060	SAKLAN RD	DUTRA ENTERPRISES INC	0.83	RM	
SAKLAN ROAD	441-0087-022	23954	SAKLAN RD	ELLA M DAVIS	0.28	RM	
SAKLAN ROAD	441-0087-023	23948	SAKLAN RD	JOSE L & MARIA G CONTRERAS	1.09	RM	
SAKLAN ROAD	441-0087-024	23942	SAKLAN RD	DUTRA ENTERPRISES INC	0.90	RM	
SAKLAN ROAD	441-0087-025	23836	SAKLAN RD	FERNANDO RAMIREZ	1.00	RM	
SAKLAN ROAD	441-0087-026	23830	SAKLAN RD	SANDRA E GUDIEL	1.01	RM	
SAKLAN ROAD	441-0087-027-02	23724	SAKLAN RD	RICHARD L & SHARON S HANSON	1.00	RM	
SAKLAN ROAD	441-0087-028-02	23718	SAKLAN RD	RICHARD L & SHARON S HANSON	1.00	RM	
SAKLAN ROAD	441-0087-029-03	23612	SAKLAN RD	BERNABE M & CRUZ B ARANDA	0.35	RM	
SAKLAN ROAD	441-0087-030-10	1558	MIDDLE LN	NELSON W & GERALDINE G COELHO	0.48	RM	
SAKLAN ROAD	441-0087-030-15	23606	SAKLAN RD	GUADALUPE O YEPEZ	0.22	RM	
SAKLAN ROAD	441-0087-030-17	1580	MIDDLE LN	DAN T & EDNA DUBLIN	0.11	RM	
SAKLAN ROAD	441-0087-030-19	1560	MIDDLE LN	MAGDALENA M DIWA	0.74	RM	
SAKLAN ROAD	441-0090-001-02	23422	CLAWITER RD	ROBERT T & KATHLEEN A SKINNER	0.38	LI	LM
SAKLAN ROAD	441-0090-002		SAKLAN RD	ROBERT T & KATHLEEN A SKINNER	1.00	LI	LM
SAKLAN ROAD	441-0090-003		SAKLAN RD	ROBERT T & KATHLEEN A SKINNER	0.47	LI	LM
SAKLAN ROAD	441-0090-004	23831	SAKLAN RD	ROBERT T & KATHLEEN A SKINNER	0.48	LI	LM

## Zoning Designations:

- I Industrial
- LM Light Mfg., Planning/Research and Development
- RM Medium Density Residential (Minimum Lot Area: 2,500 sq. ft.)
- CN Neighborhood Commercial
- LI Light Industrial

# Mt. Eden Annexation Study Area

Information current as of June, 2004

Unincorporated Island	Assessors Parcel Number	Street Number	Street Name	Owner Name	Parcel Acreage	Existing Prezoning (per 1990 Mt. Eden Neighborhood Plan)	Proposed Prezoning Changes
SAKLAN ROAD	441-0090-007-04	23953	SAKLAN RD	B F WEST ENTERPRISES INC	1.02	LI	LM
SAKLAN ROAD	441-0090-010		SAKLAN RD	JAMES B & BEVERLY J MITCHELL	0.14	CN	
SAKLAN ROAD	441-0090-011	24191	SAKLAN RD	JAMES B & BEVERLY J MITCHELL	0.19	CN	
SAKLAN ROAD	441-0090-012	24154	CLAWITER RD	PETER & MARGARET T MITCHELL	0.88	CN	
SAKLAN ROAD	441-0090-013	24170	CLAWITER RD	PETER & MARGARET T MITCHELL	0.53	CN	
SAKLAN ROAD	441-0090-014	24018	CLAWITER RD	PETER & MARGARET T MITCHELL	0.41	CN	
SAKLAN ROAD	441-0090-021	23636	CLAWITER RD	ROGER D & JANET P WAGNER	0.38	LI	LM
SAKLAN ROAD	441-0090-022	23572	CLAWITER RD	JEREMIAS & LORENA I SANCHEZ	0.38	LI	LM
SAKLAN ROAD	441-0090-024	23474	CLAWITER RD	STEVE & MELANIE JENKINS	0.39	LI	LM
SAKLAN ROAD	441-0092-001		SAKLAN RD	LOUIS H VOSS	0.50	LI	LM
SAKLAN ROAD	441-0092-002	23135	SAKLAN RD	DARRELL A DIAZ	0.46	LI	LM
SAKLAN ROAD	441-0092-003	23351	SAKLAN RD	DANIEL W & LENORA T BOBBITT	0.42	LI	LM
SAKLAN ROAD	441-0092-004-02	23286	CLAWITER RD	JANE S HERNANDEZ	0.95	LI	LM
SAKLAN ROAD	441-0092-005-02	23555	SAKLAN RD	BERKELEY LAND CO INC	1.02	LI	LM
SAKLAN ROAD	441-0092-006-04	23352	CLAWITER RD	THOMAS A DELCONTE	0.76	LI	LM
SAKLAN ROAD	441-0092-007	23222	CLAWITER RD	DANIEL W BOBBITT	0.38	LI	LM
SAKLAN ROAD	441-0092-008	23144	CLAWITER RD	MARCUS JAMES R TRUST	0.45	LI	LM
SAKLAN ROAD	441-0092-009	23040	CLAWITER RD	LOUIS H VOSS	0.39	LI	LM
SAKLAN ROAD	441-0095-001	1450	NORTH LN	RAFAEL & CONSUELO QUIROGA	0.98	RM	
SAKLAN ROAD	441-0095-002	1430	NORTH LN	FRANCES V MATTOS	0.97	RM	
SAKLAN ROAD	441-0095-003	23305	EDEN AVE	STEVEN D FULLER	0.29	RM	
SAKLAN ROAD	441-0095-004	23413	EDEN AVE	DAVID A & CONNIE DEETS	0.41	RM	
SAKLAN ROAD	441-0095-005	23521	EDEN AVE	OAKMAN FAMILY LIMITED PARTNERS	0.51	RM	
SAKLAN ROAD	441-0095-006	23529	EDEN AVE	ARAUJO JAVIER C & L L TRUST	0.49	RM	
SAKLAN ROAD	441-0095-007	23537	EDEN AVE	ARAUJO JAVIER & LETICIA TRUST	0.12	RM	
SAKLAN ROAD	441-0095-008	23645	EDEN AVE	HOMER & ESTHER PAKDAMAN	0.96	RM	
SAKLAN ROAD	441-0095-009	23653	EDEN AVE	RUBEN P & RUBY T DORRIS	0.99	RM	
SAKLAN ROAD	441-0095-010	23761	EDEN AVE	GERALD M TILLEY	0.98	RM	
SAKLAN ROAD	441-0095-011-02	23761	EDEN AVE	GERALD M TILLEY	0.76	RM	
SAKLAN ROAD	441-0095-012-01	23877	EDEN AVE	WILLIAM L & ROSITA D IGNACIO	0.23	RM	
SAKLAN ROAD	441-0095-013	23885	EDEN AVE	JOHN & SHARON M CLAY	0.99	RM	
SAKLAN ROAD	441-0095-014	23993	EDEN AVE	WALTER C & CONSTANCE DANIELSEN	0.51	RM	
SAKLAN ROAD	441-0095-015	1505	MIDDLE LN	WALTER C & CONSTANCE DANIELSEN	0.51	RM	
SAKLAN ROAD	441-0095-016	1505	MIDDLE LN	WALTER C & CONSTANCE DANIELSEN	0.51	RM	

## Zoning Designations:

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- CN Neighborhood Commercial
- LI Light Industrial

# Mt. Eden Annexation Study Area

Information current as of June, 2004

Unincorporated Island	Assessors Parcel Number	Street Number	Street Name	Owner Name	Parcel Acreage	Existing Prezoning (per 1990 Mt. Eden Neighborhood Plan)	Proposed Prezoning Changes
SAKLAN ROAD	441-0095-017	1541	MIDDLE LN	TRUMAN & LORETTA PATTERSON	0.42	RM	
SAKLAN ROAD	441-0095-018	1561	MIDDLE LN	JOYCE K WOOD	0.54	RM	
SAKLAN ROAD	441-0095-019-01		SAKLAN RD	COUNTY OF ALAMEDA		RM	
SAKLAN ROAD	441-0095-019-02	23572	SAKLAN RD	JON SYLVESTER	0.52	RM	
SAKLAN ROAD	441-0095-020-02	23464	SAKLAN RD	MARC A CHRISTIANSEN	0.50	RM	
SAKLAN ROAD	441-0095-021-02	23356	SAKLAN RD	MARC A CHRISTIANSEN	0.51	RM	
SAKLAN ROAD	441-0095-022-02		SAKLAN RD	MARC A CHRISTIANSEN	1.00	RM	
SAKLAN ROAD	441-0095-023-02	23348	SAKLAN RD	MARC A CHRISTIANSEN	0.99	RM	
SAKLAN ROAD	441-0095-024-02	23240	SAKLAN RD	SUSAN A WINTER	1.00	RM	
SAKLAN ROAD	441-0095-025-02	23132	SAKLAN RD	SUSAN A WINTER	1.00	RM	
SAKLAN ROAD	441-0095-026	23128	SAKLAN RD	OKUDA MARY H BYPASS TRUST & MA	1.00	RM	
SAKLAN ROAD	441-0095-027	23124	SAKLAN RD	TSUNEYOSHI SURUKI	1.00	RM	
SAKLAN ROAD	441-0095-028-04	23016	SAKLAN RD	JORGE L & MARIA E GALARZA	0.24	RM	
SAKLAN ROAD	441-0095-028-06	23016	SAKLAN RD	JORGE L & MARIA E GALARZA	0.20	RM	
SAKLAN ROAD	441-0095-029	23008	SAKLAN RD	NEW DIMENSION DELIVERANCE	0.27	RM	
SAKLAN ROAD	441-0095-030	1470	NORTH LN	KEITH L MCCAFFERY	0.24	RM	

## Zoning Designations:

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- RM Medium Density Residential (Minimum Lot Area: 2,500 sq. ft.)
- CN Neighborhood Commercial
- LI Light Industrial



**Findings in Support of Proposed Rezoning (PL-2004-0313):  
Rezoning Designations for the Mt. Eden Annexation Area**

- 1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.**

The proposed annexation and associated public infrastructure improvements and future development would result in improved fire suppression capabilities, police protection, storm drain capacity and roadways in the area. Additionally, future development would be subject to City and State regulations and City development review, which will improve property conditions and reduce or eliminate any potentially harmful site contaminants.

- 2. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.**

The General Plan contains policies and strategies that encourage annexation of remaining unincorporated islands into the City:

- *Seek to achieve more congruous boundaries to provide for the efficient delivery of public services and to create a greater sense of community. (Land Use Chapter, Policy 11)*
- *Evaluate annexing unincorporated islands and adjoining urbanized county areas within the Sphere of Influence in light of desires of affected residents and fiscal impacts on the city. (Land Use Chapter, Policy 11, Strategy 1)*

Also, one of the purposes of the Hayward Zoning Ordinance is to:

- *Accommodate expansion of development into vacant and under utilized lands within environmental and infrastructure constraints.*

The Mt. Eden Neighborhood Plan contains policies that encourage light industrial zoning in the western portion of the Saklan Road island and industrial zoning to the west of the Neighborhood Plan area (west of Clawiter Road):

- *Develop a light industrial zone to allow attractive industrial business parks and to exclude industrial uses with excessively hazardous materials, heavy truck traffic on Saklan Road or other characteristics incompatible with nearby residential use, for application on Mt. Eden Neighborhood industrial areas. (Industrial Land Use, Policy 1, Strategy 1)*
- *Improve Saklan Road as a business service road for light industrial uses; buffer new residences east of Saklan with a planting strip and sound wall. (Industrial Land Use, Policy 1, Strategy 2)*
- *Keep the area west of Mt. Eden Neighborhood industrial to maintain continuity of land use and economic base. (Industrial Land Use, Policy 1, Strategy 3)*

The purpose of the Industrial zoning district is consistent with the intended uses for the Dunn Road and Depot Road islands, and with surrounding uses:

- *The purpose of the Industrial (I) District is to provide for and encourage the development of industrial uses in areas suitable for same, and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties.*

The purpose of the LM zoning district is consistent with the intended uses for the western portion of the Saklan Road island and with the policies of the Mt. Eden Neighborhood Plan:

- *The LM District is intended to provide for limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas.*

**3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified.**

As noted in the associated environmental impact report, proposed infrastructure improvements, including roadway improvements and widening, extension of public water and sewer lines and upgrades to the existing storm drainage network, would be compliant with City standards and sufficient to serve potential future development.

**4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.**

The Depot Road and Dunn Road islands are completely surrounded by properties in the City that are within the Industrial zoning district. Related to the discussion under finding 2, the uses permitted in the proposed LM zoning district would help provide a buffer between the more impacting industrial uses and associated traffic along Clawiter Road and the residential areas along the western side of Saklan Road. An Industrial zoning district designation for such area would allow more impacting uses to develop, which would negatively affect the residential neighborhood to the east. Annexation and subsequent infrastructure improvements would allow for future development, which will lead to improved property conditions and aesthetics, which is currently not possible under existing conditions.



**STATEMENT OF OVERRIDING CONSIDERATIONS**  
**Addressing the Significant Unavoidable Impact identified in the**  
**Mt. Eden Annexation Project Final Environmental Impact Report**

The City of Hayward adopts and makes this statement of overriding considerations concerning adoption of the proposed amendments to the Zoning Ordinance related to the Mt. Eden Annexation Project and the resulting unavoidable significant impact to explain why the benefits of implementing the Mt. Eden Annexation proposal override and outweigh its unavoidable impacts.

The Environmental Impact Report on the Mt. Eden Annexation Project utilizes analysis in the General Plan Update EIR to conclude that an impact is potentially significant and unavoidable. The Significant Unavoidable Impact is summarized below.

**Cumulative Traffic Impacts (Impact 4.5-2):** Although the proposed project would result in development that would be no more intensive than that envisioned in the General Plan, traffic in the City is expected to increase as a result of continued development in the region. As reflected in Table 6.6 and Figure 6.5 of the General Plan Update EIR, some intersections and roadway segments throughout the City are expected to operate at Levels of Service E or F in the year 2025. The General Plan Update EIR indicates that regional through traffic accounts for up to 25 to 30 percent of the peak hour trips on some major arterials within the City and that "the City's ability to mitigate this traffic through land use planning is limited." The General Plan Update EIR concluded that "it is likely that some roadways will continue to operate at less than acceptable levels due to physical constraints, funding limitations, and regional growth patterns. Therefore, the overall traffic impact is expected to be significant and unavoidable."

Adoption and implementation of the Mt. Eden Annexation Project will bring substantial benefits to the City of Hayward. The Project is being proposed, despite the potential for this unavoidable significant impact, because the City believes the Project would provide for additional housing and would assist in meeting the City's share of the regional housing need without substantially increasing local traffic impacts compared to existing trends. Therefore, the City of Hayward finds that the unavoidable impact associated with adoption of the Mt. Eden Annexation Project is acceptable in light of the above benefits.

**Mt. Eden Annexation Project  
Mitigation Monitoring and Reporting Program**

September, 2004

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b><u>Impact 4.1-1 - seismic ground shaking:</u></b> During a major earthquake along a segment of the Hayward Fault or one of the other nearby faults, moderate to strong ground shaking can be expected to occur within the Project area. Strong shaking during an earthquake could result in damage to buildings, roads, utility lines and other structures with associated risk to residents, employees and visitors in the area (<i>potentially significant impact and mitigation required</i>).</p>	<p><b><u>Mitigation Measure 4.1-1:</u></b> Site specific geotechnical reports shall be required for each building or group of buildings (such as in a subdivision), roads and utility lines constructed in the Project area. Investigations shall be completed by a geotechnical engineer registered in California. Design and construction of structures shall be in accordance with the recommendations contained in the reports. Generally, such recommendations will address compaction of foundation soils, construction types of foundations and similar items. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements.</p>	<p>Project Developers, including qualified project geotechnical engineers and structural engineers, and grading and construction contractors</p>	<p>City of Hayward Planning Division, Building Division and Engineering and Transportation Division</p>	<p>Investigations shall be conducted prior to submittal of development applications and associated recommendations are to be implemented during grading and construction operations</p>

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b><u>Impact 4.1-2 - ground failure and liquefaction:</u></b> Damage to structures and other improvements within the Project area could occur from seismically-induced ground failure and liquefaction, resulting in damage to improvements and harm to Project area residents and visitors (<i>potentially significant impact and mitigation required</i>).</p>	<p><b><u>Mitigation Measure 4.1-2:</u></b> Site-specific geotechnical reports required as part of Mitigation Measure 4.1-1 shall also address the potential for ground failure and liquefaction and include specific design and construction recommendations to reduce liquefaction and other seismic ground failure hazards to less-than-significant levels.</p>	<p>Project Developers, including qualified project geotechnical engineers and structural engineers, and grading and construction contractors</p>	<p>City of Hayward Planning Division, Building Division and Engineering and Transportation Division</p>	<p>Investigations shall be conducted prior to submittal of development applications and associated recommendations are to be implemented during grading and construction operations</p>

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b><u>Impact 4.2-1 - soil and/or groundwater contamination:</u></b> Properties within the Project area may contain contaminated soil and/or be located above contaminated groundwater plumes. Construction of new residences and non-residential buildings may expose future residents, employees, visitors and construction personnel to soils and/or water-borne levels of contamination above acceptable regulatory levels, resulting in adverse health effects (<i>potentially significant impact and mitigation required</i>).</p>	<p><b><u>Mitigation Measure 4.2-1:</u></b> As part of environmental review for development projects, project applicants shall submit a Phase I Environmental Site Analysis to the City of Hayward. If warranted by the Phase I report, a Phase II report shall be completed and all recommendations included in the Phase II report shall be included in the development Plan. If remediation is required, a hazardous materials work program shall be submitted to the appropriate regulatory agencies with a copy submitted to the Hayward Fire and Community and Economic Development Departments. Necessary permit(s) shall be obtained from the appropriate regulatory agencies. Remediation workers safety plans shall be included within each work plan.</p>	<p>Project Developers, including California-registered environmental assessors and other qualified professionals, such as California-registered geologists, and licensed contractors trained for such work</p>	<p>California Regional Water Quality Control Board, California Department of Toxic Substances Control, Hayward Fire Department, Hazardous Materials Office</p>	<p>Investigations are to be performed as part of environmental review and during the development review process and any required remediation is to be implemented prior to and, if appropriate, during and after construction</p>

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b><u>Impact 4.2-2 - demolition and hazardous air emissions:</u></b> Demolition of existing buildings, utility facilities and other older facilities could release hazardous and potentially hazardous material into the atmosphere including asbestos containing materials and lead-based paints, potentially resulting in health hazards to construction employees and local visitors and residents (<i>potentially significant impact and mitigation required</i>).</p>	<p><b><u>Mitigation Measure 4.2-2 (demolition activities):</u></b> Prior to commencement of demolition activities within the Project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, California Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permits and facility closure with regard to demolition and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition plans.</p>	<p>Project Developers, including California-registered environmental assessors and other qualified professionals, such as California-registered geologists, and licensed contractors trained for such work</p>	<p>Bay Area Air Quality Management District, California Department of Toxic Substances Control, Alameda County Environmental Health Department, Hayward Fire Department, Hazardous Materials Office</p>	<p>Required site clearances and related permits are to be obtained prior to demolitions and any required measures are to be implemented during demolitions</p>

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b><u>Impact 4.2-2 - demolition and hazardous air emissions, cont...</u></b></p>	<p><b><u>Mitigation Measure 4.2-3 (release of asbestos):</u></b> Prior to commencement of grading activities within the Project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared and implemented to remediate any hazards to acceptable levels, including methods for removal and disposal of hazardous material. Worker safety plans shall be prepared and necessary approvals and clearances shall be secured from appropriate regulatory agencies, including, but not limited to the Hayward Fire Department, California Department of Toxic Substances Control and the Bay Area Air Quality Management District.</p>	<p>Project Developers, including California-registered environmental assessors and licensed contractors trained for such work</p>	<p>Bay Area Air Quality Management District, California Department of Toxic Substances Control, Alameda County Environmental Health Department, Hayward Fire Department, Hazardous Materials Office</p>	<p>Required site clearances and related permits are to be obtained prior to demolitions and any required measures are to be implemented during demolitions</p>

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b><u>Impact 4.3-1 - soil erosion:</u></b> During future construction that could be facilitated by annexation, short-term increases of soil erosion could result due to exposure to wind and water erosion as individual properties are graded and developed (<i>potentially significant impact and mitigation required</i>).</p>	<p><b><u>Mitigation Measure 4.3-1:</u></b> Individual development projects within the Project area that disturb 10,000 square feet or more of land area shall prepare erosion and sedimentation control plans for implementation throughout Project construction. The plan should be prepared in accordance with the most current City of Hayward and Regional Water Quality Control Board design standards.</p>	<p>Project Developers, including project engineers and grading and construction contractors</p>	<p>City of Hayward Engineering and Transportation Division, Alameda County Flood Control and Water Conservation District</p>	<p>Plans shall be developed and approved prior to issuance of grading and construction permits and implemented throughout projects construction periods</p>



Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b>Impact 4.3-2 - non-point source pollution:</b> The quality of stormwater runoff from the Project area could deteriorate due to development as it picks up increased road surface pollutants, pesticides from increased landscaping, and other urban pollutants that do not presently exist in such high concentrations (<i>potentially significant impact and mitigation required</i>).</p>	<p><b>Mitigation Measure 4.3-2:</b> Any new development or redevelopment projects in the Project area shall implement construction methods that comply with performance standards of Section C.3 of the new NPDES Permit. In addition, for development or redevelopment projects that disturb more than 10,000 square feet of land, a Notice of Intent is required to be filed with the State of California Water Resources Control Board (SWRCB). A Stormwater Pollution Prevention Plan (SWPPP) is also required to be submitted to the SWRCB demonstrating use of specific best management practices during both construction and operational phases of such projects.</p>	<p>Project Developers, including project engineers and grading and construction contractors</p>	<p>City of Hayward Engineering and Transportation Division, Alameda County Flood Control and Water Conservation District, California Water Resources Control Board</p>	<p>Plans incorporating appropriate construction methods shall be developed and approved prior to issuance of grading and construction permits and implemented throughout projects construction periods and, if appropriate, during operational phases of projects</p>

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b><u>Impact 4.3-3 - stormwater runoff and drainage patterns:</u></b> Future development within the Project area will increase the amount of stormwater runoff, since existing undeveloped or minimally developed properties would be converted to new structures, parking areas, roads and similar impervious surfaces. Existing drainage patterns will also be changed based on individual site grading operations, with resulting impacts to downstream drainage facilities (<i>potentially significant impact and mitigation is required</i>).</p>	<p><b><u>Mitigation Measure 4.3-3:</u></b> All new major development applications (involving 10,000 square feet of land area) within the Project area shall be accompanied by a drainage and hydrology study, prepared by a California-registered civil engineer. Each report shall document existing drainage quantities and direction, estimated increases in stormwater runoff from the proposed Project, an identification of existing and proposed funding of downstream drainage facilities and the capacity of such systems to accept additional run-off and the proposed Project's contribution to increasing the capacity of such systems, if needed. New development projects will be required to provide on-site detention, retention facilities and/or other improvements required by such studies to ensure that no net increase in downstream rate of stormwater flows occurs. Reports shall be approved by the Hayward City Engineer and Alameda County Flood Control and Water Conservation District staff prior to issuance of a grading permit.</p>	<p>Project Developers, including project engineers and grading and construction contractors</p>	<p>City of Hayward Engineering and Transportation Division, Alameda County Flood Control and Water Conservation District</p>	<p>Studies shall be developed and approved prior to issuance of grading and construction permits and implemented throughout projects construction periods</p>

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b>Impact 4.3-4 – flooding:</b> Portions of the Project area lie within a 100-year flood hazard area and new construction within the area could be subject to flood damage during severe storms (<i>potentially significant impact and mitigation is required</i>).</p>	<p><b>Mitigation Measure 4.3-4:</b> For future development within a 100-year flood hazard area, future project applicants shall:</p> <ul style="list-style-type: none"> <li>a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be increased on any surrounding sites.</li> <li>b) Comply with Article 4 of Chapter 9 (Flood Plain Management) of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area.</li> <li>c) Apply to the City for a Conditional Letter of Map Revision to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area.</li> </ul>	<p>Project Developers, including project engineers and grading and construction contractors</p>	<p>City of Hayward Engineering and Transportation Division, Alameda County Flood Control and Water Conservation District and, if appropriate, the Federal Emergency Management Agency</p>	<p>Studies and plans shall be developed and approved prior to issuance of grading and construction permits and implemented throughout projects construction periods</p>

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<b><u>Impact 4.4-1 - construction noise impacts:</u></b> Future residents within and adjacent to Project area could be subject to short-term but potentially significant noise due to the construction of new buildings, roadway improvements and associated infrastructure improvements within the Project area ( <i>potentially significant and mitigation required</i> ).	Adherence to Section 4-1.03 of the Hayward Municipal Code will ensure that short-term construction noises would be less-than-significant.	Project Developers, including project contractors	City of Hayward Planning and Building Divisions	During projects construction
<b><u>Impact 4.4-2 - permanent noise impacts:</u></b> Future construction of residences along the east side of Clawiter Road within the Project area could be subject to exterior noise levels within the "conditionally acceptable" noise level identified in the General Plan Noise Element ( <i>potentially significant and mitigation required</i> ).	<b><u>Mitigation Measure 4.4-2:</u></b> Site-specific acoustic reports shall be prepared by a qualified acoustic consultant for future residential construction located along the east side of Clawiter Road. Each report shall include an analysis of potential noise exposure from residential development and include specific measures to reduce exposure levels to City of Hayward noise standards.	Project Developers, including qualified acoustical consultants	City of Hayward Planning and Building Divisions	Acoustic studies shall be prepared prior to submittal of development applications. Any recommendations from such reports shall be implemented during construction.

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b><u>Impact 4.4-4 - vibration impacts:</u></b> Future construction within the Dunn Road and Depot Road subareas could be subject to potentially significant vibration levels from railroad operations and truck activities (<i>potentially significant and mitigation required</i>).</p>	<p><b><u>Mitigation Measure 4.4-4:</u></b> Future development within the Dunn Road and Depot Road subareas where vibration impacts are suspected to be a problem shall be reviewed for potential vibration impacts at the time such development is submitted for City of Hayward review. If warranted, building foundations and other improvements shall be designed to reduce vibration levels to a less-than-significant level, including excavation and compaction of site soils, special foundation designs and structural design.</p>	<p>Project Developers, including qualified acoustical consultants and structural engineers</p>	<p>City of Hayward Planning and Building Divisions</p>	<p>Acoustic-vibration impact analyses shall be prepared prior to submittal of development applications. Any recommendations from such reports shall be implemented during construction.</p>
<p><b><u>Impact 4.5-2 - cumulative traffic impacts:</u></b> Anticipated development within the Project area will be consistent with land use density and intensity as set forth in the General Plan. (<i>This impact is considered significant and unavoidable; therefore, a statement of overriding considerations will be required</i>).</p>	<p><b>No mitigation measures available - See statement of overriding considerations.</b></p>			

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b><u>Impact 4.7-1 - local and community park and recreation facilities:</u></b> Approval of the proposed annexation and subsequent development within the City of Hayward would increase the demand for local and community park and recreation facilities within the Mt. Eden area by 8.3 acres of parkland (<i>potentially significant and mitigation required</i>).</p>	<p><b><u>Mitigation Measure 4.7-1:</u></b> Payment of park dedication in-lieu fees or dedication/development of parkland and/or recreation facilities, as approved by HARD, at the time future development is permitted, will mitigate the demand for future parks. Possibilities for enhanced park and recreation facilities in and adjacent to the Project area may include the expansion and development of Greenwood Park, and/or the expansion of joint use facilities at Chabot College and Ochoa Middle School/Rancho Arroyo Park and a 3.55-acre area just west of the Waterford apartment complex along Depot Road within City limits, which is identified as a potential park site in the Mt. Eden Neighborhood Plan.</p>	Project Developers	City of Hayward Planning Division, Hayward Area Recreation and Park District and, if involved, State of California and South County Junior College District (Chabot College) and the Hayward Unified School District	<p>For park dedication in-lieu fees, payments shall be made prior to project finalization and issuance of certificates of occupancy.</p> <p>Other mitigation measures, including construction of new park facilities, are to be completed prior to project finalization and issuance of certificates of occupancy, or as arranged with the Hayward Area Recreation and Park District.</p>

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b>Impact 4.7-3 - local schools:</b> Future development within the Project area would generate an estimated 190 elementary school students, 43 middle school students and 100 high school students at buildout of General Plan residential land use mid-range densities (<i>potentially significant and mitigation required</i>).</p>	<p><b>Mitigation Measure 4.7-3:</b> Prior to approvals of land use entitlements for individual development projects within the Project area by the City of Hayward, each project proponent shall pay school impact mitigation fees in effect at the time building permits are granted, or provide other mitigation as found acceptable by the Hayward Unified School District.</p>	Project Developers	City of Hayward Planning Division, Hayward Unified School District	<p>For school impact fees, payments shall be made prior to project finalization and issuance of certificates of occupancy.</p> <p>Other mitigations are to be completed prior to project finalization and issuance of certificates of occupancy, or as arranged with the Hayward Unified School District.</p>

Significant Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p><b>Impact 4.8-1 - loss of trees:</b> Future widening of streets within the Project area to accommodate anticipated development would result in loss of trees protected under the City's Tree Preservation Ordinance. Other protected trees would likely be removed on private property to accommodate development envisioned in the Hayward General Plan (<i>potentially significant impact and mitigation required</i>).</p>	<p><b>Mitigation Measure 4.8-1:</b> Prior to widening of any streets within the Project area or development on private properties where protected trees exist, a tree survey shall be completed by a qualified arborist to determine if protected trees could be preserved and to identify specific preservation methods. If preservation is not feasible, a tree replacement plan shall be prepared in conformity with the City's Tree Preservation ordinance and approved by the Hayward Community and Economic Director.</p>	<p>Project Developers, including project certified arborists</p>	<p>City of Hayward Planning Division and Public Works Department</p>	<p>Tree surveys and associated recommendations are to be completed prior to public street improvement projects or private developments. Recommendations, including planting of new replacement trees, are to be implemented during construction of public street improvement projects and private development projects.</p>





**DEPARTMENT OF  
COMMUNITY AND ECONOMIC DEVELOPMENT  
Planning Division**

**NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

**I. *PROJECT DESCRIPTION:***

**Text Change Application No. 04-0338**

The proposed project involves amendments to the Light Manufacturing, Planning/Research and Development (LM) District provisions of the Hayward Zoning Ordinance that would allow major or minor open storage, recreational vehicle storage yards and public storage facilities as conditional uses and would establish new development, design and performance standards for that zoning district (see attached).

**II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:***

The proposed project will have no significant effect on the area's resources, cumulative or otherwise.

**III. *FINDINGS SUPPORTING DECLARATION:***

1. The project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Checklist Form (attached) has been completed for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The proposed amendments would help reduce visual and other aesthetic impacts in that they would establish new design and performance standards for uses in the LM zoning district, which do not currently exist for areas outside the South of Route 92 Specific Plan area.
3. Although the proposed amendments would establish storage-related uses as new conditional uses, they would not allow such uses without discretionary review by the City, in accordance with the conditional use permit provisions of the Zoning Ordinance. Such provisions seek, in part, "to assure said uses occur in maximum harmony with the area and in accordance with official City policies" and require that a finding be made that, "The proposed use will not be detrimental to the public health, safety, or general welfare."

**IV. PERSON WHO PREPARED INITIAL STUDY: David Rizk, AICP, Associate Planner, City of Hayward**

Dated: September 7, 2004

**V. COPY OF INITIAL STUDY IS ATTACHED**

For additional information, please contact David Rizk at the City of Hayward Planning Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4004

**DISTRIBUTION/POSTING**

- Provide copies to project applicants and all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



## Environmental Checklist Form

1. Project title:  
**Text Change Application No. 04-0338** - Amendments to the Light Manufacturing, Planning/Research and Development (LM) District provisions of the Hayward Zoning Ordinance.
2. Lead agency name and address:  
**City of Hayward**  
**777 B Street**  
**Hayward, CA 94541**
3. Contact person and phone number and e-mail address:  
**David Rizk, AICP, (510) 583-4004, [david.rizk@hayward-ca.gov](mailto:david.rizk@hayward-ca.gov)**
4. Project location:  
Citywide
5. Project sponsor's name and address:  
City of Hayward Planning Director  
777 B Street  
Hayward, CA 94541
6. General Plan:  
Industrial Corridor
7. Zoning:  
Light Manufacturing,  
Planning/Research and  
Development (LM)
8. Description of project:  
*Amendments to the Light Manufacturing, Planning/Research and Development (LM) District provisions of the Hayward Zoning Ordinance that would allow major or minor open storage, recreational vehicle storage yards and public storage facilities as conditional uses and would establish new development, design and performance standards for that zoning district (see attached).*
9. Surrounding land uses and setting:  
**Mt. Eden Area:** Industrial uses to the north, south and west; single-family residential and industrial uses to the east.  
**South of Route 92 Area:** Residential uses to south, industrial uses to the northwest, open space to the southwest, undeveloped business park lands to the north and a sports complex to the south.
10. Other public agencies whose approval is required:  
None.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils         |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning    |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing   |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

## DETERMINATION:

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

*David Rizk*

David Rizk, AICP  
Printed Name

September 7, 2004  
Date

City of Hayward  
Agency

## ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS -- Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The proposed amendments would help ensure that aesthetic impacts associated with development in the LM Zoning District in the Mt. Eden area of the City would be minimized in that they would establish design and performance standards for uses outside the South of Route 92 Specific Plan area, which currently do not exist.</i>				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>II. AGRICULTURE RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>III. AIR QUALITY --</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**IV. BIOLOGICAL RESOURCES -- Would the project:**

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**V. CULTURAL RESOURCES -- Would the project:**

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**IX. LAND USE AND PLANNING - Would the project:**

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**X. MINERAL RESOURCES -- Would the project:**

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XI. NOISE - Would the project result in:**

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **XII. POPULATION AND HOUSING -- Would the project:**

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **XIII. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **XIV. RECREATION --**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **XV. TRANSPORTATION/TRAFFIC -- Would the project:**

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE --**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**SEC. 10-1.1800 LIGHT MANUFACTURING, PLANNING/RESEARCH  
AND DEVELOPMENT DISTRICT (LM)**

Sections:

- Section 10-1.1805 Purpose.
- Section 10-1.1810 Subdistricts.
- Section 10-1.1815 Uses Permitted.
- Section 10-1.1820 Conditionally Permitted Uses.
- Section 10-1.1825 Lot Requirements.
- Section 10-1.1830 Yard Requirements.
- Section 10-1.1835 Height Limit.
- Section 10-1.1840 Site Plan Review Required.
- Section 10-1.1845 Minimum Design and Performance Standards

**SEC. 10-1.1805 PURPOSE.**

The LM District is intended to provide for limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas.

**SEC. 10-1.1810 SUBDISTRICTS.**

None.

**SEC. 10-1.1815 USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the LM District as primary uses.
  - (1) **Light Manufacturing Uses.**
    - (a) Manufacturing and assembly of clothing.
    - (b) Manufacturing and assembly of televisions and radios, including parts and components.
    - (c) Assembly of electrical appliances such as lighting fixtures, irons, fans, toasters and electric toys, but not including refrigerators, washing machines, dryers, dishwashers and similar home appliances.
    - (d) Assembly of electric appliances such as radio and television receivers, phonographs and home motion picture equipment, but not including electrical machinery.
    - (e) General office uses (including computer centers), when ancillary to another use listed in this subsection, where an office user shall have less than 2,000 square feet of usable space.
    - (f) Publishing facilities.
    - (g) Light manufacturing support and service facilities to include activities limited to the servicing of products produced on the parcel or servicing of businesses on the parcel, such as: repair and maintenance of appliances or component parts, tooling;

- printers, testing shops, small machine shops, copying, and photo engraving.
- (h) Sales at wholesale manufacturers' representatives and sales office, or sales to the ultimate consumer of products made to the customer's orders.
  - (i) Engineering, drafting and design facilities, when ancillary to another use listed in this subsection.
  - (j) Manufacturing and assembly of business machines, including electronic data processing equipment, accounting machines, calculators and related equipment. Manufacturing and assembly of electrical supplies, such as coils, condensers, crystal holders, insulation, lamps, switches and wire cable assembly, provided no noxious or offensive fumes or odors are produced.
  - (k) Manufacturing of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments and cameras and photographic equipment except film.

(2) Other Uses.

Public agency facilities.

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the LM District:

None.

**SEC. 10-1.1820 CONDITIONALLY PERMITTED USES.**

- a. Administrative Uses. The following uses are permitted in the LM District subject to approval of an administrative use permit:

(1) Light Manufacturing Uses.

- (a) Laboratories, including commercial, testing, research, experimental or other laboratories, including pilot plants.
- (b) Printing, lithography and engraving.
- ~~(c) Manufacturing or combining processes of pharmaceutical products, provided no noxious or offensive fumes or odors are produced.~~
- ~~(d) Research and development facilities and such facilities which require area available for laboratories to execute product development. Any research and development use may be operated in conjunction with any allowed light manufacturing use or office use. All typical uses associated with research and development and light manufacturing for the electronics and semiconductor industries.~~
- ~~(e) Uses typically associated with research and development and light manufacturing for the electronics and semiconductor industries.~~
- ~~(f) Manufacturing or combining processes of pharmaceutical products, provided no noxious or offensive fumes or odors are produced.~~
- ~~(g) Manufacturing or combining processes of biological products, provided no noxious or offensive fumes or odors are produced.~~

(hg)Manufacturing and assembly of computer hardware and software, communications, testing equipment, and electronics equipment.

(2) Other Uses.

None.

- b. **Conditional Uses.** The following uses are permitted in the LM District subject to approval of a conditional use permit:

None.

(1) Major or minor open storage.

(2) Recreational vehicle storage facility.

(3) Public storage facilities.

**SEC. 10-1.1825 LOT REQUIREMENTS.**

- |   |   |
|---|---|
| a. Minimum Lot Size:                        | 10,000 square feet                                |
| b. Minimum Lot Frontage:                    | 35 feet   |
| c. Minimum Average Lot Width:               | 70 feet   |
| d. Maximum Lot Coverage:                    | 40 percent  |
| e. Minimum Average Lot Depth:               | 250 feet  |
| f. Special Lot Requirements and Exceptions: | See <u>General Regulations</u> Section 10-1.2720. |

**SEC. 10-1.1830 YARD REQUIREMENTS.**

- |  |   |
|--|---|
| a. Minimum Front Yard:   | 50 <u>20</u> feet                                 |
| b. Minimum Side Street Yard:   | 25 <u>10</u> feet                                 |
| c. Minimum Side Yard:  | 25-feet <u>None</u>                               |
| d. Minimum Rear Yard:  | 25-feet <u>None</u>                               |
| e. <u>Special Side and Rear Yard Provision for manufacturing and storage buildings and uses:</u> |   |
| <u>(1) 20 feet where abutting an A, OS, R, MH, C, or residential PD zoning district.</u>         |   |
| <u>(2) Greater setbacks where required by the Uniform Building Code as adopted by the City.</u>  |   |
| ef. Special Yard Requirements and Exceptions:  | See <u>General Regulations</u> Section 10-1.2725. |

**SEC. 10-1.1835 HEIGHT LIMIT.**

- |  |  |
|--|--|
| a. Maximum Height Permitted:                   | <u>None</u> <u>40 feet</u>                                       |
| b. Maximum Accessory Building Height:          | <u>None</u> <u>40 feet</u>                                       |
| c. Maximum Height for Fences/Hedges/Walls:     |  |
| (1) Front and Side Street Yard:                | 4 feet   |
| (2) Side and Rear Yard:                        | <u>No-limit</u> <u>8 feet</u>                                    |
|  | <u>(Also see Section 10-1.1645(i) for additional standards.)</u> |
| d. Special Height Requirements and Exceptions: | See <u>General Regulations</u> Section 10-1.2730.                |

#### **SEC. 10-1.1840 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building, grading, or construction permit within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, guidelines and Neighborhood Plans. Site Plan Review approval may also be required for fences (i.e., such as anodized gray chain link fences along corridor streets) in certain circumstances.

#### **SEC. 10-1.1845 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

This Section establishes design and performance standards that shall apply to the construction of ~~industrial and commercial~~ manufacturing and storage buildings and uses in the LM District.

**a. ~~Parking.~~**

~~On site parking shall be provided at 1 space per 200 square feet; compact spaces shall comprise no more than 30 percent of the total spaces.~~

**b. ~~South of Route 92 Area.~~**

The development of ~~CR~~ LM zoned properties in the South of Route 92 planning area are also subject to the provisions of the South of Route 92/Oliver & Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber properties.

**c. ~~Specific Plan Requirements.~~**

~~Refer to applicable specific plans for other special design and performance standards.~~

#### **Manufacturing and Storage Buildings and Uses.**

For manufacturing and storage buildings and uses, refer to the Minimum Design and Performance Standards contained in the I District.



**Findings in Support of Proposed Text Amendment (PL-2004-0338):  
Revisions to the "LM" District Provisions**

- 1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.**

The proposed annexation and associated public infrastructure improvements and future development would result in improved fire suppression capabilities, police protection, storm drain capacity and roadways in the area. The proposed text amendment would help further implement the annexation by minimizing fiscal impacts on certain businesses currently operating legally with County conditional use permits located immediately west of the residential neighborhoods in Mt. Eden area, allowing them as conditional uses.

- 2. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.**

The proposed text amendment would be in conformance with the following Mt. Eden Neighborhood Plan policies that encourage low-impacting light industrial uses in the western portion of the Saklan Road island:

- *Develop a light industrial zone to allow attractive industrial business parks and to exclude industrial uses with excessively hazardous materials, heavy truck traffic on Saklan Road or other characteristics incompatible with nearby residential use, for application on Mt. Eden Neighborhood industrial areas. (Industrial Land Use, Policy 1, Strategy 1)*
- *Improve Saklan Road as a business service road for light industrial uses; buffer new residences east of Saklan with a planting strip and sound wall. (Industrial Land Use, Policy 1, Strategy 2)*
- *Keep the area west of Mt. Eden Neighborhood industrial to maintain continuity of land use and economic base. (Industrial Land Use, Policy 1, Strategy 3)*

The proposed text changes would also be in conformance with the purpose of the LM zoning district, as stated below, in that storage-related uses, with implementation of the required design guidelines, are typically low-impacting in that they typically generate low traffic and do not typically have odors or noise associated with them.

- *The LM District is intended to provide for limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas.*

- 3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified.**

The uses are served by existing roads. Also, proposed infrastructure improvements, including roadway improvements and widening, extension of public water and

sewer lines and upgrades to the existing storm drainage network, would improve infrastructure in the area to better serve future uses.

- 4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.**

This finding is not applicable, since the text amendment involves no reclassification of properties. The proposed rezoning to the "LM" district, as discussed previously, will help promote uses that will be more compatible with future residential developments. The proposed text amendment would help minimize impacts to adjacent properties by establishing new development, design and performance standards.

**USES WITH ACTIVE COUNTY CONDITIONAL USE PERMITS LOCATED ALONG  
CLAWITER ROAD AND SAKLAN ROAD**

COUNTY CONDITIONAL USE PERMIT NUMBER	STREET ADDRESS	USE	APPROVAL DATE	EXPIRATION DATE
C-2209	24154 CLAWITER RD	Boat, camper and trailer storage yard	8/26/1970	NONE
C-2302	23040 CLAWITER RD 23040 SAKLAN RD	Storage yard for the retail sale of building and landscaping materials	6/9/1971	NONE
C-7829	24018 CLAWITER RD	Continued operation of an outdoor storage facility for boats, trailers, campers and use of portable metal storage buildings	9/12/2001	9/12/2006
C-7849	23953 SAKLAN RD	Continued operation of a storage yard for construction equipment and trucks	2/13/2002	2/13/2005
C-7858	23352 CLAWITER RD	Continued operation of auto repair facility	10/24/2001	10/24/2006
C-7928	23555 SAKLAN RD	Continued outdoor storage of vehicles	2/27/2002	2/27/2005
C-7958	23135 SAKLAN RD	Contractor's yard	3/13/2002	3/13/2005
C-8013	23422 CLAWITER RD 23831 SAKLAN RD	Outdoor storage yard with rental and sales of storage containers	6/26/2002	6/26/2005
C-8142	23180/23222 CLAWITER RD	Contractor's yard for equipment, supplies and containers	5/14/2003	5/14/2008
C-8162	1376 WEST WINTON AVE	Continued use of outdoor storage facility for RVs, 3 storage containers and on site caretaker mobile home and hot dog stand	11/5/2003	11/5/2005